

EXHIBIT 9

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD A. GORMAN

Plaintiff,

v.

JOHN C. MONARCH,
KARL F. STEINBORN,
WWW.PERFORMOUTSIDER.COM
JOHN DOE 1, JOHN DOE 2 and
JOHN DOE 3

Defendants.

CIVIL ACTION NO. 14-0890

**DEFENDANT JOHN MONARCH'S RESPONSE TO PLAINTIFF'S MOTION
FOR THE COURT TO ALLOW
ALTERNATIVE SERVICE BY PUBLICATION**

Defendant John Monarch ("John"), by and through undersigned counsel, submits this Response (the "Reply") to Plaintiff's Motion for the Court to Allow Alternative Service by Publication (the "Motion"), and, for the reasons set forth below,¹ respectfully requests that the Motion be denied.

It appears that Plaintiff is attempting to serve the website performoutsider.com (the "Website") by publication. This is equivalent to attempting to serve a person's car that injured a plaintiff in a personal injury case. Clearly naming and attempting to serve the property that the defendant allegedly used to commit the underlying tort at issue would be improper. Additionally, this is exceptionally true when the plaintiff is aware that there is a person who

¹ It should be noted that Plaintiff makes a number of untrue, irrelevant, and inappropriate comments about John in the Motion. Accordingly, John will not dignify these comments with any response because they are clearly unworthy of any substantive response.

owns the property at issue and the person used that property to allegedly commit the tortious conduct at issue.

In his Motion, Plaintiff admits that he is aware that John is not the owner of the Website, and that the Owner of the Website goes by the name Ilya Putin (“Ilya”). *See* Motion, ¶ 3 (stating that, “[b]y registering the website . . . to an incorrect address and through his Facebook communications with Defendant Monarch, it is evident that the owner of [the Website] has attempted to conceal who owns the website and make it appear as though another individual controls the website . . .”).² However, Plaintiff insists on trying to serve by publication the property owned by Ilya, which is the Website, rather than Ilya.

Even more significant, Plaintiff has issued subpoenas to Twitter, Google, and Facebook in an attempt to ascertain Ilya’s real name and contact information.³ Accordingly, because the subpoenas are likely to provide Ilya’s real name and contact information, it appears that any attempt to serve Ilya by publication would be premature at this point.

WHEREFORE, based upon the foregoing, John respectfully requests that the Court enter an order denying the Motion and awarding such other and further relief as the Court finds appropriate.

RESPECTFULLY submitted this 15th day of May, 2014.

/s/ Daniel R. Warner
Daniel R. Warner, Esq.
Arizona Bar # 026503
(Admitted Pro Hac Vice)
KELLY / WARNER, PLLC
8283 N. Hayden Road, Suite 229
Scottsdale, Arizona 85258
Tel: 480-331-9397

² Notably, even though Plaintiff is now aware that John is not the owner of the Website, he still refuses to voluntarily dismiss John from this case. It appears that Plaintiff has an obsession with John (not the other way around as Plaintiff apparently wishes).

³ Unfortunately, contrary to Plaintiff’s continued belief, John does not know Ilya’s true name, and John does not have any other contact information for Ilya that has not been already provided to Plaintiff.

Fax: 1-866-961-4984
Email: dan@kellywarnerlaw.com

/s/ Matthew Glazer
Matthew Glazer, Esq.
COZEN O'CONNOR
1900 Market St
Philadelphia, PA 19103
(215) 665-2000
MGlazer@cozen.com
Attorneys for Defendant Monarch

CERTIFICATE OF SERVICE

I hereby certify that, on the same date set forth above, I electronically transmitted the foregoing document to the Clerk's Office using CM/ECF System for filing and distribution to the following registered participants of the CM/ECF System:

Matthew D. Lee, Esq.
Lee-m@blankrome.com
John P. Wixted, Esq.
jwixted@blankrome.com
BLANK ROME L.L.P.
One Logan Square
130 N. 18th Street
Philadelphia, PA 19103
Attorney for Plaintiff

Eric Trajtenberg, Esq.
eric@chescolawfirm.com
32 S. Church St.
West Chester, PA 19382
Attorney for Plaintiff

/s/ Jill Loy
Employee of Kelly / Warner, PLLC